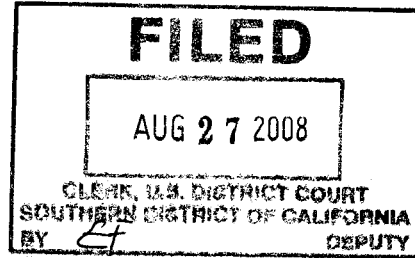


USA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Case No.: 08-16029M-01-SD
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) Title 8, U.S.C. § 1324(a)(1)(A)(ii)
) Illegal Transportation of
Evelyne RUIZ,) Illegal Aliens (Felony)
)
Defendants.) "AMENDED"

The undersigned complainant being duly sworn states:

On or about August 15, 2008, within the Southern District of California, defendant Evelyn RUIZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Joel FLORES-Chamarro, Noel ASTORGA-Mendoza and Juan Antonio MACIAS-Gallo, had come to, entered and remained in the United States in violation of law, did transport and move, and attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27TH DAY
OF AUGUST 2008.

PETER C. LEWIS
U. S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Evelyne RUIZ

4 STATEMENT OF FACTS

5 Complaint and Statement of Facts is being amended to remove the
6 names of Pedro Leonides GUZMAN-Rosas, Alberto DIAZ-Gomez, Fernando
7 DIAZ-Gomez, and Pablo DIAZ-Gomez which are named as Material
8 Witnesses. These individuals are not being held as Material
9 Witnesses. Correct individuals being held as Material Witnesses are
10 Joel FLORES-Chamorro, Noel ASTORGA-Mendoza and Juan Antonio MACIAS-
11 Gallo.

12 At approximately 10:50 p.m., a green Mercury Cougar bearing
13 license plate CA/3LET198 approached the primary inspection lane. The
14 vehicle had one visible occupant, later identified as Mayra Alejandra
15 ZEPEDA (DOB: 07/26/1985). I, Agent Rios, was working as the primary
16 agent. When the vehicle approached, I identified myself as a United
17 States Border Patrol Agent and informed ZEPEDA that she was at an
18 immigration checkpoint. I asked ZEPEDA what country she was a citizen
19 of. ZEPEDA paused and then stated that she was a United States
20 Citizen. After stating that she was a United States Citizen her car
21 started moving forward as if she was rushing my immigration interview
22 and was in a hurry to get going. I asked ZEPEDA where she was coming
23 from and she stated that she was coming from somewhere over there
24 called Wally. I then asked ZEPEDA where she was heading and she
25 stated "L.A.". I then asked ZEPEDA if this was her car that she was
26 traveling in and she stated "no". When I questioned ZEPEDA as to
27 whose car she was driving she claimed that it was her friend, but she
28 could not tell me who her friend was or if it was registered in her
name. Due to the facts listed above I decided to send ZEPEDA to
secondary inspection for further questioning.

1 Once at the secondary inspection, K-9 Agent Araujo asked for consent
2 to run his dog around the vehicle, ZEPEDA granted consent. I asked
3 ZEPEDA to step out of the vehicle so I could continue my immigration
4 interview. Agent Araujo advised me that the K-9 alerted to the
5 vehicle in the secondary inspection. Agent Araujo asked ZEPEDA for
6 consent to search the vehicle and consent was granted. As the search
7 of the vehicle was being conducted another vehicle approached the
8 check point at approximately 11:00pm. Agent Guerrero was the primary
9 agent and advised that he had a vehicle with seven illegal immigrants
10 (See attached G166 for encounter details). Given ZEPEDA's
11 inconsistencies and behavior I asked ZEPEDA if she knew the driver of
12 the vehicle that was transporting the illegal immigrants and ZEPEDA
13 stated that it was her friend. At that time ZEPEDA was taken into
14 custody for further questioning as to her involvement with the
15 smuggling of illegal aliens.

16 A search of the ZEPEDA's vehicle yielded several connections to
17 the vehicle that was transporting the illegal aliens. ZEPEDA had a
18 note book that contained the phone number of RUIZ the driver that was
19 transporting the illegal aliens. The vehicle also contained a map of
20 the area that had their route of travel marked out as well as markings
21 were Border Patrol Checkpoints are located. The vehicle also
22 contained commercial size cases of juice boxes identical to the boxes
23 of juice found in the jeep.

24 A field interview with ZEPEDA revealed the following: ZEPEDA
25 stated that she knew her friend RUIZ was an alien smuggler and had
26 successfully passed through immigration checkpoints with illegal
27 aliens, but ZEPEDA claims she did not know that she was transporting
28 illegal aliens. ZEPEDA claims that she had an argument with RUIZ and
left her in Brawley, California. She claims she was on her way home

1 and did not know anything concerning the smuggling of illegal aliens.
2 ZEPEDA was transported to the Blythe Border Patrol Station for
3 processing as a co- principle to alien smuggling.

4 Once at the Blythe Border Patrol Station ZEPEDA was informed of
5 her rights as per service form I-214 at 2:20 am by Agent Kraus and
6 witnessed by Agent Rios. ZEPEDA waived her rights at 2:20 am.

7 An interview with ZEPEDA at the Blythe Border Patrol Station
8 revealed the following:

9 ZEPEDA claims to have driven her friends RUIZ and Pedro GUZMAN-
10 Rosas (DOB: 10/01/1987) from Los Angeles, California to Brawley,
11 California. GUZMAN was the passenger of the red jeep that was
12 transporting the illegal aliens. ZEPEDA claims she knew that RUIZ was
13 an alien smuggler and that she had successfully smuggled illegal
14 aliens on several occasions. ZEPEDA claims that RUIZ told her that
15 she needed someone to drive her to Brawley, California because her
16 friend GUZMAN who was an illegal alien was going to return home and
17 she was also going to pick up another vehicle and drive it to Los
18 Angeles, California. ZEPEDA claims that RUIZ loaned her a car and
19 told her she would reimburse her for the gas money she would spend on
20 there trip. ZEPEDA claims that they left Los Angeles, California at
21 approximately 12:00 am on 08/15/2008. ZEPEDA claims that RUIZ and
22 GUZMAN left thier home in Los Angeles, California on Wednesday and
23 returned on Thursday night with no explanation of were they had gone.
24 ZEPEDA claims that she believes that RUIZ and GUZMAN crossed the
25 illegal aliens and were going back to pick them up, but RUIZ told her
26 that she just needed some one to drive her car home. ZEPEDA claims
27 that upon arriving in Brawley, California she told RUIZ that she did
28 not want to be involved in any of her business and wanted to return
home. ZEPEDA claims that RUIZ directed her to stop at a gas station

1 and leave RUIZ and GUZMAN there. ZEPEDA claims that she was bothered
 2 that RUIZ had left her there alone and started to drive home with out
 3 RUIZ. ZEPEDA claims to have not seen RUIZ for the remainder of the
 4 night. ZEPEDA claims that RUIZ called her before arriving at the 1151
 5 checkpoint to see if agents were inspecting cars, ZEPEDA informed RUIZ
 6 that she had not made it to the checkpoint yet. ZEPEDA claims that
 7 this was the last contact she had with RUIZ and was unaware that RUIZ
 8 was transporting illegal aliens.

9 MATERIAL WITNESSES:

	Name	Country of Birth
10	Joel FLORES-Chamarro	Mexico
11	Noel ASTORGA-Mendoza	Mexico
12	Juan Antonio MACIAS-Gallo	Mexico

13
 14 Further, complainant states that Joel FLORES-Chamarro, Noel
 15 ASTORGA-Mendoza and Juan Antonio MACIAS-Gallo are citizens of a
 16 country other than the United States; that said alien has admitted
 17 that he is deportable; that their testimony is material, that it is
 18 impracticable to secure their attendance at the trial by subpoena; and
 19 that they are material witnesses in relation to his criminal charge
 20 and should be held or admitted to bail pursuant to Title 18, United
 21 States Code, Section 3144.